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MUNICIPAL SOCIALISM.

By W. C. CROFTS.

Published at the Central Offices of the
LIBERTY & PROPERTY DEFENCE LEAGUE,
4, Westminster Chambers, London, S.W.

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Municipal Socialism.

WHILE the attention of Parliament, the press, and the public is concentrated upon legislation of general interest to the country, each succeeding session witnesses the unobtrusive growth of a class of measures of no less importance than those which are styled imperial. It is not alone in "Committees of the whole House," and in "Grand Committees," that questions of liberty and property are discussed and decided. The "Select Committee" is nowadays a tribunal which practically, as far as the public is concerned, sits with closed doors, and adjudicates *in camera* upon matters that affect the daily existence of large sections of the community. Amongst the varieties of private

bill legislation upon which these committees have to pass verdicts, no class is more numerous, certainly none more important, than that which comprises what are called "Improvement" Bills. In the review of the Bills of the session issued annually by the Parliamentary Committee of the League, attention has on each occasion been called to the growing abuses of this department of legislation. The dimensions to which the evil had attained, induced the Committee last year to devote a considerable portion of "Overlegislation in 1884" to criticising in detail the peculiarities of this species of piecemeal "reform."

Following upon these efforts to awaken the alarm of the public at the insidious encroachments upon their persons and pockets, promoted by this class of measures, it is gratifying to note the attempt that *has been made in the* dying throes of the expiring

Parliament to confine this fussy legislation within some sort of strait-waistcoat. Alluding to the abortive Private Bill Legislation Bill of last session, one of the leading Scotch papers at the time remarked:—"The public will not be surprised to know that the Home Office has at last come in to scrutinise the Private Bills which Town Counils, Police Commissions, and other local authorities are promoting in Parliament. It appears that Sir William Harcourt has been amazed by the multitude of offences which these measures create, and being of opinion that there is no "local crime," is bent on limiting the power of local authorities to set police traps for their unwary constituents. It is, therefore, expected that some kinds of sanitary and police legislation which have been much in fashion, if not in favour, during the last few years, will this year and in future years receive a check. The work of damping the zeal of local authorities, and of their sanitary,

police, and medical inspectors, has hitherto been left to the Liberty Defence Leagues, like those which are represented by Lord Bramwell and Mr. Hopwood."

Whatever may be the disturbing cause, it is at any rate, satisfactory to know that the department over which the Secretary of State presides, has at length been aroused to a sense of its responsibility in this matter. The object which this Bill has in view (for it is safe to assume that it is only in a state of suspended animation, and will be revived in the new Parliament), is "to amend the system of Private Bill Legislation in the United Kingdom," and "to provide more effectually for the conduct of enquiries" relating to private Bills. This is to be effected by the substitution, in place of the unprofessional machinery of the Select *Committee, of* three "Justices of the High Court

of Parliament" specially elected for the purpose, who, as the draughtsman of the Bill puts it, "shall rank *pari passu (sic)* with judges of the High Court of Justice." Every private Bill, which under the present system would come before a Select Committee, will in future be referred to one of these judges, who will ultimately report to the House his decision thereon. If the House should be dissatisfied with the way in which the judge has dealt with the Bill, it will be able to amend it there, or refer it back to him with special instructions. The sittings of the judges will not be confined to the Parliamentary session, but will be continuous. Powers are to be given to the judges, if they see fit, to transfer their work every year—for a month to Edinburgh, and for a similar period to Dublin, in order to consider on the spot the private Bills *relating* to Scotland and Ireland respectively.

The extension of local self-government has been persistently harped upon in some quarters, as one of the first and most important questions with which the new Parliament will have to deal. The direction which this extension is likely to take, is a matter of no small concern to the political development of the country. Its probable course in the near future will be best inferred from an examination of the latest tendencies and aspirations of local authorities, as embodied in their applications to Parliament for further powers during the recent session. The completest estimate of these will be obtained by a survey of the demands and pretentions of municipalities in their original and natural exuberance, and not in the more or less docked state in which they occasionally emerge from the Select Committee. The enquiry has been purposely confined to the measures promoted by urban *authorities, because* it is in this quarter that the

growth of the abuses to which local government is liable has been and continues to be most rapid. Three-fourths of the total expenditure of local authorities (exclusive of those within the Metropolitan area) is incurred by municipalities.* In order to meet this outlay they are obliged to levy a rate per pound, three times greater than that imposed by the rural authorities;† and during the last twenty years have become responsible for two-thirds of the total amount borrowed by local bodies of all descriptions outside the Metropolis.‡ For the purposes of the present investigation, it is not of so much importance to ascertain the precise amount of new powers actually conceded to urban authorities by the central government, as the extent to which the former will by-and-by push their autonomy when left to them-

* *Local Administration*, Edited by SYDNEY BUXTON, M.P., p. 91.
† *Ibid*, p. 77. ‡ Ibid, p. 89.

selves. Accordingly, it will be more to the point in the present case to gather illustrations, not from the urban "Improvement" Acts in the form they finally assumed, but from some of the most prominent Bills as they recurred at the commencement of the session, with all their pristine idiosyncracies. All the "Improvement" Bills from which the following instances are taken, attained the full maturity of Acts during the course of the session substantially in their original shape.

Foremost amongst these, on account of its inordinate length, must be reckoned the Hastings Improvement Bill. The proportions of this Bill, which was "to confer *additional* powers" on the corporation were truly heroic; it consisted of 262 pages containing 484 sections dealing with every conceivable department of human *activity. Its pages,* if printed on a band of

paper 8½ inches broad, would have reached from the top of St. Paul's to the bottom; and it weighed two pounds.

It is only possible here to notice a fraction of the self-imposed duties of the Hastings town councillors. As traders, or regulators of trade, they will provide public weighing and measuring apparatus with weights and measures, and appoint official weighers; they will erect, at a cost of £10,000, and maintain, public slaughter houses. The costermonger, or fish-wife, will not be allowed to sell any commodities from door to door without their licenses. A license will have to be procured by the payment of an annual fee before the marine store dealer, the itinerant rag and bone merchant, the bottle collector, shoeblack, flower girl, bill-sticker, bathing-machine proprietor, porter, messenger, "commissionaire," or cats' meat man can

enter upon their respective callings. The conduct of the most dangerous classes of these traders—the porter, the messenger, the "commissionaire," and the shoe-black--will be regulated, and appropriate "badges" will be assigned to them.

They will prescribe the times for the collection and removal of "hog-wash," and will erect an engine with the formidable name of "a destructor," "for the treatment by fire or otherwise," of such of this commodity as goes begging, and of waste refuse of all kinds.

They will fix the fares and prescribe the routes of omnibuses, and will supervise the conduct of the drivers, and the quantity and quality of their horses. They will see that the cranes, ropes and tackle of merchants and tradesmen are "proper *and sufficient.*" They will regulate the size, *construction, and* use of advertising vans, and

the loading or unloading of goods in the street, and will prohibit "the practice of touting" for hotels, lodging-houses, carriages, or pleasure boats.

The Corporation will exercise special supervision over architects, builders, and contractors. The heights of houses, and the manner of their foundations, the construction of cellars and chimney flues, the size of timbers, the thickness of the inner and outer walls, the height of rooms and chimneys, the dimensions of hearth-stones, the ingredients of the mortar, and the quality of materials and workmanship generally must all conform to the standard fixed by the municipal authorities; and they will superintend the erection of gipsies' tents and vans.

A license will be required by anyone who opens a bowling green or skittle alley, or who provides facilities for the games of bagatelle, dominoes,

quoits or brasses; and the hours of play will be fixed by the authorities. Similar conditions will be imposed upon any person who shall play for "reward on any musical instrument," the latter term including any barrel organ, punch and judy show, marionettes, or *performing animals*. The Corporation will appoint and regulate the number of oars and sails in pleasure boats, and the places and times for the hiring of mules, donkeys, and bathing-machines; and, as regards the latter, will see that they are safe and duly fitted with hand-lines and clothes-hooks.

They will ensure the health of the community by a code of minute regulations for the treatment of infectious diseases; and they will subsidise the local hospitals and dispensaries.

They will watch over the safety of citizens *when walking abroad*, by placing restrictions upon

the procession of circuses, "or any procession of animals," and they will regulate the routes and speed of carts and carriages, and the hours for driving sheep through the streets. Sunday will be a particularly safe and quiet, though somewhat melancholy day in the Hastings thoroughfares. On this day all "processions and parades," except funeral and religious processions, will be absolutely forbidden, and, in these cases, there must not be "any music, fireworks, discharge of cannon or firearms, or other disturbing noise." Pains and penalties will be meted out to anyone who throws orange peel on to the pavement; or who allows his servant to stand on the sill of a window for the purpose of cleaning it; or who "blows any horn, rings any bell, or uses any other noisy instrument, or shouts or sings for the purpose of announcing or attracting persons to any sale, show, or entertainment;" or "for the

purpose of hawking, selling, or collecting any article whatever."

Domestic animals are included within their ubiquitous protection; anyone who "casts, with intent to drown," a dog or cat into a ditch or pool being visited with a fine.

The town councillors will minister to the recreation and convenience of their *protegés* by municipal generosity defrayed out of the rates, and by regulations for the petty details of life, drawn up with fatherly care. The corporation will buy and lay out recreation grounds, with refreshment sheds and "apparatus for games" and gymnastics. As to the latter and bands of music, the hours within which they shall be lawful will be prescribed, "always providing," of course, that nothing of the kind "shall be permitted on *Sundays.*" Such statues and other monuments

as come up to the standard of taste laid down by the town councillors, will be erected in the recreation grounds and streets, and, like the inhabitants themselves, will be kept in "good order." Conservatories, cabmen's shelters, public libraries and reading rooms, baths and wash-houses, illuminated clocks, museums and picture galleries, stands for meteorological instruments, public bands of music, flagstaffs and weather charts, are a few of the many gratuitous blessings that will be showered upon the docile inhabitants of this watering place by their chosen benefactors.

The Corporation will take precautions that these facilities for enjoyment are not abused. They will prohibit "dangerous whirligigs and swings," and will control the speed of such as are permitted. They will prescribe the hours during which "any *show, booth,* caravan, circus, or exhibition may be

kept open," and will preserve order therein. At their discretion they will prohibit "the performance on Sunday of any match or game;" and will suppress any person who wantonly "discharges" a stone, snowball, or other missile, or who makes a bonfire, or "sets fire to fireworks," or burns a Guy Fawkes. Anyone who collects a crowd by flying pigeons, foot-racing or singing, or "who flies a kite, or uses a slide on ice or snow, or plays at pitch and toss, or other description of gaming, or trundles a wheel, hoop or girth, or plays at football, quoits, pig, or other game or pastime," whether in the street or elsewhere, will only do so on sufferance.

That the fame of all this brave municipal socialism should not be confined to their own parish, the Corporation are empowered to maintain "at railway stations and other public *places in the United* Kingdom and France,

advertisements stating the attractions and amusements of the town." It is to be hoped that these advertisements will include a table of the fees, fines, and imprisonments prevailing in this hitherto popular watering place, otherwise they will only serve as decoys under false pretences for tourists in search of a free and easy holiday. In any case, if visits from our lively Latin neighbours from across the Channel are desired, a judicious *supressio veri* as to the inducements of a Hastings' sabbath should be observed.

It would almost seem as if the draughtsmen of "Improvement" Bills in the various urban centres, were members of a mutual admiration ring. In all such Bills, identical sections such as those dealing with buildings, infectious diseases, recreation grounds, free libraries, the sale of coal, museums and art galleries, baths and wash-houses, licenses,

street regulations, &c., recur session after session with faithful monotony. This partial uniformity possesses one disadvantage, inasmuch as it tends to obscure the freaks and flashes of genius, in the shape of truly original provisions, with which the framers of each Bill enliven their second-hand productions.

Thus in addition to the free use of plumes borrowed from its neighbour and rival pleasure resort, Hastings, the Eastbourne "Improvement" Bill was decked out with sections, empowering the authorities to open and inspect boxes of provisions, and to destroy any food which *they* may consider unwholesome; to prevent anyone selling a cow or sheep, except in the public market; and to prohibit bath-chairs and perambulators on the pavement. The town councillors of Mossley will prescribe the *architectural character* of buildings, and may

demolish such structures as are made of wood, except advertising boards, which they will themselves maintain and let out at rental. In their dealings with "filth and rubbish," they will employ an engine, not with the aggressive title of "destructor" as in the case of Hastings, but with the more amiable name of "convertor." As reformers, they venture into the domain of political economy, with an entirely gratuitous definition of rack rent. According to their Bill, "rack rent means rent which is not less than two-thirds of the full net annual value of the property out of which the rent arises." The Sunderland Corporation will subject mourning coaches to the same regulations as pleasure carriages, and will provide "proper" exhibitions for the public. They will insist upon the use of "suitable" ventilators, nine inches long and three inches broad, under all wooden floors in the base*ment and* ground floor of every house. Every room

will have to be ventilated by "special and adequate means," according to their satisfaction; and they will prescribe the position and size of the windows. The provisions of their Bill will make it impossible for newspapers, periwinkles, oranges and hot potatoes to be sold in the streets of Sunderland after eleven in the evening. The Bury Improvement Bill empowered the Corporation of that town to make and maintain a railway all to themselves, and to erect labouring-class dwellings. Gas may be supplied by them free of cost to hospitals, infirmaries, public baths, and wash-houses; and they will undertake the construction of gas stoves and cooking apparatus, and gas engines for agricultural and manufacturing purposes. A fine will be inflicted on anyone who spills ashes in the streets; and no one will be allowed to build a row of houses more than one hundred yards long. *The authorities of* Southport will erect Schools of

Science and Art, and will furnish them with all necessaries, and provide for the delivery of lectures and holding of classes. Guide books and pamphlets "descriptive of the Borough" will be compiled, printed and published by them. No occupation in life, however humble, would seem to be beneath the care of the local *patres conscripti*. At Southport, even the rag-collector will be saddled with a license and distinctive badge, and his hours of work prescribed.

Such are some of the latest of the series of instances of local self-government run mad, that called into existence the Private Bill Legislation Bill. To every one who has paid attention to this matter, it has, for some time past, been apparent that an attempt would have to be made, sooner or later, to place some limits upon the vaulting ambition of the promoters and draughtsmen of

"Improvement" Bills. From the supervision of public morals and the treatment of infectious diseases, down to the regulation of old clothes dealers and the rag collectors, no department of life seems safe from the administrative genius of the town councillor, and the member of the local board. In some quarters the investiture of the head-men of towns and villages, with despotic powers over their fellow-citizens, is regarded as a reform in accordance with the traditional tendency of liberalism—as the necessary transition from the dark ages of discredited centralisation to the millenium of unlimited "home rule" and local government. But a good intention, if too exclusively kept in view, may degenerate into monomania. As noted by the Parliamentary Committee of the League in their review of the private bills the session before last:—"Decentra*lisation, as at present* practiced, is little else than

the reversal of the process of integration which has given us our comprehensive national life. The breaking up of uniformity in the administration of the laws of the land and the concession of 'local option' in reference to questions in which all parts of the community are identically interested cannot continue indefinitely. If national unity is to be maintained, a line must be drawn somewhere in this process of what physiologists term 'retrograde metamorphosis.' Unless we look forward to the time when decentralisation shall have reached its limits in reducing us again to the family unit as the centre of government, we must make a stand against this tendency of every Great and Little Peddlington to become a law unto itself."

The question of the definition of municipal functions is analogous to that of the definition State

functions. In neither case can any principle of limitation, invariably applicable, be laid down. The nature and the extent of the rights and duties of the municipality, equally with those of the State, is a consideration of expediency.

Though the final justification or condemnation of the experiment, in every instance, must be left to experience, any proposed alteration of the law is, previously to the trial, fit material for argument. The Liberty and Property Defence League proceed in this matter on the assumption that it is best, if possible, to be wise before the event. With a view to predicting its ultimate effects, they seek to bring to the test of such principles as have been already inductively established, every suggested change in municipal or imperial legislation affecting the rights of the individual. In their contention for the fullest *liberty of the unit* against the pretensions of the

community, it is the work of the League to challenge, on scientific grounds, every movement towards either municipal or State-socialism.

The advocates of Individualism, in both cases, have two tolerably well-accepted generalisations for their guidance. One is that social tendencies found to persist in increasing quantities over long periods, may be safely followed. The other, that the performance of functions, undertaken in conditions of free competition from motives of personal interest, deteriorates in proportion as collective is substituted for individual action.

The history of local-government in England shows that in one direction the tendency has been towards centralisation. In the varieties of penal, commercial, and sumptuary legislation, originally peculiar to each small area of feudal or municipal

government, there has been a constant progress towards uniformity. Many different classes of regulations, framed by our ancestors in their respective localities, have been repealed or allowed by their descendants to lapse; as being impracticable or mischievous; while those that have survived have been gradually consolidated into a general law of the land. A like change has taken place in the case of judicial functions. With the absorption of minor centres of political power by the sovereign head, the appointment of the judges of the higher courts, and the arrangement of their areas of jurisdiction, came, at an early date, under the control of the central authority. The survival, up to quite recent times, in several places (as, for instance, at Yarmouth), of the technical prerogative of local independence in adjudicating capital punishment, is evidence that the present system of "*nationalisation*" in the administration of justice

is an evolution from a primitive stage of communal or feudal autocracy. At the same time the offices of the district courts and the magistracy have become less amenable to local influences, and have fallen more under the immediate management of the State. The modern practice of the substitution of stipendiary magistrates, directly chosen by the Crown, in the place of an unpaid bench, practically self-elected, is a late instance of this movement. The executive branch of the law seems to have been the last to conform to the change. It is only since 1878 that the prisons throughout the country have been taken over by the State from the district authorities. The management of the police still remains in the hands of local boards and municipalities. Judging by the course of past events there are grounds for predicting that in this case, too, to a considerable extent, the general tendency to centralisation and

uniformity in the making and the administration of law will be maintained.

The recrudescence of communal socialism, of which the modern "Improvement" Bill is a symptom, has no doubt been considerably facilitated by the fact that the appointment and direction of the police still continues, in all particulars, to be a municipal function. Where the framing of police law is in the discretion of the local caucus the natural appetite for the exercise of authority by provincial magnates in the form of paternal government is sure to be stimulated.

Mr. Wordsworth Donisthorpe, in his Essay on *Liberty or Law?* has well depicted the dangers of reckless and premature decentralisation:—"Why impose public functions on new strata of society, when those functions are abnormal and despotic? *If we are to have* a despot, myriad-headed

or otherwise, the more central, cumbrous, and unwieldy the machinery through which it has to obtain its ends, the better for its victims. The tyranny of the Sultan is as nothing to the tyranny of the pashas. The larger the area from which the central body is drawn, the greater the number of conflicting interests which it is necessary to reconcile before the desired policy can be carried out, and the better the chance of its being emasculated during the process. Local despotism is the worst despotism. Decentralisation cannot go further than the family; and what kind of local government is more loathsome than the unchecked rule of a brutal paterfamilias? Local option, in regard to liquor and to other matters, is part and parcel of a system of decentralisation which, for the trampling under foot of private liberty, and the crushing out of individuality, has no equal among modern forms of

government. When the normal functions of the central legislature, and of provincial legislatures down to the municipality, have been defined and approximately adapted to the age, then, and then only, is decentralisation compatible with civil liberty."

In addition to the partial revival of exploded mediæval legislation regarding the regulation of prices, the supervision of morals, and the provision of comforts and amusements for the citizens, the ambition of the municipal reformer of to-day is fired by the vision of an entirely virgin field for his experiments. His prototype in the old walled city, regarded disease and epidemics as "acts of God" against which it was impious and hopeless to contend. But the modern town councillor has just found out (at second-hand it is true) all about the *germ theory of* disease, and is determined to

exterminate the "preventible" enemy of his ignorant forefathers. With the assistance of its medical officer of health, each municipality nowadays proceeds confidently to grapple with the evil in its own peculiar way. Each centre develops its special fads necessitating interferences with personal liberty which are never precisely the same in any two places.

This diversity of experiments in the search after the most efficient methods of making people sound in mind and body by local Acts of Parliament, may seem to possess all the advantages which a system of unlimited competition has for producing the best article. This view necessitates the assumption that good of some sort is in process of selection by trials of this kind of legislation. But, even on this tolerant estimate, it is probable that this merit is more than outweighed by the friction opposed to

national development, which must result from the capricious variation of the conditions of social life within every few square miles.

In face of its obvious advantages and the observed leaning in the direction of an international code of law in commercial transactions, the movement towards an exactly opposite state of things in the internal relations of the country seems inconsistent. When, moreover, the history of these islands from the earliest times, shows that the national life has become more comprehensive and massive in proportion to the growth of uniformity in the laws affecting liberty and property; there is good reason for regarding the present tendency to municipal autocracy in these matters as a temporary reversion to a primitive and inferior type. The extent to which on grounds *of expediency the* community may go in its attempts

to regulate the life of the individual in matters of morals and sanitation can only be settled empirically. The discovery of those limits, wherever they may be ultimately found, must be the result of experiments devised, not by local parliaments, but by the collective wisdom of the country.

In another direction there is an increasing proclivity in the municipality to the assertion of its pretensions, which, though it does not traverse any more constant or general tendency, flies directly in the face of the second of the two generalisations put forward above.

During the last thirty years the supply of water and gas has been steadily falling under the exclusive management of municipal bodies, until at the present day the toleration of private enterprise in these matters by Corporations and Local Boards has almost come to be regarded as a dereliction of

duty. The conditions attending the distribution of these commodities have probably to a large extent been instrumental in bringing about this transition. There is no reason for believing that the ordinary economic laws applicable to articles of commerce in general do not hold good in this case also. Consumers of gas and water would almost certainly get the best quality at the lowest price, by entrusting their provision to private traders, stimulated by motives of personal gain, under a system of free competition. That the normal course in this instance has not been followed is no doubt mainly due to the frequent breaking up of the public thoroughfares which it would involve.

The compromise which was at an early stage effected by limiting the number of the purveyors of these necessaries, has brought into relief the evils *attending a system* of private monopolies. The

modern advocates of municipal socialism have not been slow to utilise this opportunity for the application of their pet panacea. Public bodies, where they have not already effected this change, are steadily engaged, each in their respective areas, throughout the country, in superceding these partially independent monopolies by a single monopoly, completely under the control of the local centre.

It is not easy to see what is the expected advantage to be derived by the perpetuation of an acknowledged evil in an aggravated form. What is obvious, is the deterioration in the efficiency of production, which must inevitably result from the substitution of private monopolies working for self-interest, by public monopolies where that incentive is wanting. In a paper on Municipal Finance, by Mr. Burdett, Secretary of the Share and Loan

Department of the Stock Exchange, read the year before last before the Institute of Bankers, it was shown from the books of thirty-eight Corporation Water Works, that a dead annual loss on the capital invested is the outcome of this branch of municipal trading. The Corporation of Manchester, since they first acquired the monopoly of supplying the city with water in 1858, have, on their own admission, contrived to lose £110,000 by the enterprise.

Last year's Board of Trade returns of gas undertakings in the case of thirty-eight municipal monopolies, and an equal number of private companies in contiguous districts in Lancashire and the West Riding of Yorkshire, point to a distinct superiority of the latter over the former in economy *of production; the* private companies extracting

12½ per cent. more gas out of a given amount of capital than the municipal monopolies.*

There are, doubtless, many local reformers who have no intention of being the pioneers of socialism within their respective districts, and who regard the extinction of private enterprise in gas and water by municipal monopolies as an exceptional precaution, justified by the special conditions of the case. It was probably never anticipated by them that this was the first step towards the gratuitous supply of gas stoves by the municipality, and the conversion of the business of plumbing into a Corporation monopoly. Yet, this state of things has already

* MUNICIPAL MONOPOLIES :—Amount of money borrowed and capitalised value of annuities, £7,177,742. Number of cubic feet of gas sold during year, 9,157,342,794.

PRIVATE COMPANIES :—Share and loan capital and debenture stock, £3,982,115. Number of cubic feet of gas sold during year, 5,715,798,442.

been attempted in more than one provincial town. The uncontrollable impetus of tendencies apparently harmless and unobtrusive at their birth, is steadily effecting in the municipal life of this country at the present day, that "nationalisation of the instruments of production," which is still only a dream with the Socialist "reformers" of the Continent.

Of the way in which the evils of a line of action commencing upon a vicious principle are prone to reduplicate in directions unforseen at the outset, no better illustration can be cited than that of electric lighting. In America, the cradle of the invention, the use of electricity as an illuminant is universally established. On the continent of Europe, in the majority of cases by the agency of English companies, the electric light is rapidly attaining the

position of an indispensable article of public and domestic use. In England, almost alone of all the great countries, it has never got beyond the experimental stage, and is, at the present time, gradually flickering out. There can be little doubt that this arrest of growth is almost entirely due to the blighting influence preceding the advance of municipal monopoly into this department of private enterprise. The report drawn up at the beginning of this year by a committee of experts upon the Electric Lighting Act of 1882, shows by the most incontrovertible evidence and arguments that the 27th section of that Act, which empowers municipal authorities to take over the plant of Electric Lighting Companies at the end of twenty-one years at the values then existing, has completely dried up the flow of private capital into that channel of investment Within twelve months *after the* Act came into operation, a dozen or more

Electric Lighting Companies in London alone, either wound up, or transferred their business to the Continent. The system of valuation laid down by the Act makes no allowance whatever for all the capital which must necessarily be unproductively sunk in the early stages of the undertaking. Unless municipal authorities can reconcile their ratepayers to the expenditure of public funds in what must at the outset be a speculative and probably losing enterprise, there is every prospect that, as far as the electric light is concerned, the country will remain in perpetual darkness.

It would thus appear that the consideration of municipal functions in relation to the supply of water, gas, and electricity, leads to a dilemma. If the municipality assumes the monopoly of these *com*modities, the stimulus to the production of *the best article* at the lowest price, which is

strongest where the competition of private enterprise has full scope, becomes enfeebled. On the other hand, under the present arrangments, the free play of private enterprise would almost inevitably result in a constant inconvenience to traffic and locomotion, which the public would be justified in suppressing. The condition of things which in many districts still exists where the supply of water and gas is in the hands of a limited number of private monopolies under partial restrictions, has advantages over both these alternatives. But it is at the best only the most tolerable compromise. The alternative of unrestricted private enterprise has such pre-eminent recommendations that any change from the intermediate system should be in that direction. A suggestion which was made not long ago in the *Times* may possibly indicate the ultimate solution of the problem. *A civil engineer*, dealing with this crux in the

columns of that paper, said: "If corporations raised the money to construct subways, the rent to be derived from persons or companies using them must be such that it would pay interest on the loans raised, and so spare the ratepayers any expense whatever. I believe that *the construction of well-designed subways for towns will now pay either corporations* or private companies." The possibility here foreshadowed of retaining all the advantages of a system of "free trade," without any incidental injury to the interests of the community, and at the same time of deriving a magnificent rental for the use of these subways from competing companies, is one deserving the consideration of all municipal reformers who are not Socialists.

The methods by which the functions still remaining for the municipality, after this process of exhaustion, such as the removal of sewage, and the

maintenance and cleansing of streets, might on the same principle, with advantage to the community, be reduced to a minimum, have been indicated in a most able paper written by the late Mr. Henry Tyler, Assistant Secretary to the League.

Arguments adduced above, tend to prove the inexpediency of the country being split up into a number of small areas, each with its own special code of laws. Uniformity of local legislation, theoretically, and as an induction from experience, seems to be the ultimate condition to be arrived at. In practice, and so long as the existing misconceptions as to the limits of local government are rife. it may be well not to insist too strongly upon a change in this direction. The Burgh Police and Health (Scotland) Bill should be a warning against precipitate action in this matter.

This Bill, which is to consolidate all municipal

systems of law north of the Tweed, is a concentrated essence of the socialistic characteristics which generally make the numerous "Improvement" Bills in England such "shocking examples." A scheme which aims at fashioning the daily life of six million Scotchmen in accordance with a regulation pattern is necessarily a big thing. As a sample of the size to which a Bill may be grown by a liberal stuffing with every variety of crude "social" craze, it is even more remarkable than its rival at Hastings. In each of the last three sessions it has been introduced into Parliament, and bids fair to develop into the *enfant terrible* and chronic bore of Select Committee rooms. Twice the House of Commons, after proceeding with it up to a certain stage, have dropped it. This year the House of Lords made their first experiment with it, with the *same result.* Its dimensions are certainly over-

powering. It would almost seem that they must be curtailed or Parliamentary sessions lengthened, if the Bill is ever to attain to the full estate of an Act. As a specimen of a code of "step-motherly" government, the Bill could not fail to satisfy the notions of the most exacting Chinese official, in the minuteness of its regulations, and the draconian rigour of its penalties. It is tolerably certain the Bill has only retired into winter quarters, and that the new Parliament may reckon on its re-appearance in the early spring, edited up to date. The memorandum or preface of last session's edition of the Bill states that it is a revised issue of the General Police and Improvement Act, 1862, "brought up to date," that is to say, tinkered up in conformity with the latest "fads." "The previous Police Acts," it proceeds, "were all permissive. After so long and extensive an experience of their working, the principle has been

adopted in the present Bill that the police administration of towns ought to be uniform. This principle is by the Bill applied without exception in the case of towns of over two thousand inhabitants." Out of 529 clauses, it will not be possible here to give more than a few typical illustrations of this pedantic attempt at legislation.

The sanitary provisions which are to make it impossible in future for any Scotchman to catch an infectious disease have been adopted with but slight alterations from some of the more ambitious of the English "Improvement" Bills. The local practitioner will have to report to his municipality, within twenty-four hours, each case of infectious disease in his practice, or he will, in every instance, be fined £2. The municipality may order, by two newspaper advertisements, that any infectious *disease is to* be permanently or temporarily

deemed to be an infectious disease. It will provide nurses, and may compel the removal, from an infected house to a reception house maintained out of the rates, of all the healthy inmates who are unable to afford clean clothing and bedding. When it has got them there it may keep them for a fortnight. In addition to this "reception-house" the municipal authorities must provide a common hospital for infectious diseases and maintain it "with necessary apparatus." They may disinfect any house they think fit; and may forcibly remove any dead body for immediate burial, charging the expense to the relatives. Any opposition to these outrages will have to be made at the risk of paying £2. If an Irishman attends a wake in Scotland without a full knowledge of the authorised list of infectious diseases, he may discover that the melancholy pleasure will cost him £2.

At the same time that each Scotch municipality lays itself out to checkmate the insidious attacks of the "microbe," it will take precautions for the "prevention of fraud" by its citizens on one another. It will erect and maintain fixed scales and weighing machines. In addition, it will furnish portable machines for weighing coals, in order that the inhabitants may have access to them for "re-weighing" their own coals. The police, if they like, will compel drivers of coal carts to have their loads re-weighed, under a penalty of £2 for refusal. Bakers will have to impress on all loaves in "large distinct figures," their weight, or pay a fine of £2. A penalty of £10 will be exacted for exposing for sale, "blown, stuffed, or pricked veal or lamb." The police will have power to enter any shop, or stop any costermongers' cart, and compel the weighing of the goods on sale. *If a pawnbroker* is found with a smelting pot in his

house he will be fined £5, and the pot confiscated. The marine store dealer must get a license specifying the particular rooms in his house in which he carries on his business, and he must paint his name in full on the outside of his shop in capital letters, four inches high, and of a "proper" breadth, *at all times* plainly legible. If he changes the transaction of his business from one room in his house to another, he must give notice of the fact within twenty-four hours. If he fails to observe any of these regulations he will be fined £20, and £5 a day until he conforms. Anyone who "attempts to commit" a "falsehood," and is found out will have to pay £10, or go to prison for two months. The danger of "practising games of hazard" will not be confined to the players. Any Scotchman who possesses or exhibits implements for recreation of this sort, such as "chain dropping," "*thimble rigging*," and "wheels of fortune," in

order to "entice" another Scotchman to play; or who shall "attempt to cozen or cheat" him, will be imprisoned for two months. Anyone who sets up swings, hobby horses, or a nine-pin alley without permission will be fined £5, and a similar sum for every day the "offence" is persisted in. In addition to the ordinary incidental expenses, the starting of a public bagatelle board without a license will cost £10.

The constables who are engaged in suppressing these numerous classes of criminals, will have to be satisfied with no stronger stimulant than a sense of duty, for the Bill provides that any refreshment-house keeper, who "directly or indirectly" supplies a policeman with exciseable liquor, will be fined £5.

In order to increase the revenue from fines paid *for more heinous* crimes, a penalty of £2 will be

exacted from minor offenders in the following instances:—from every Scotch man or woman who, without proper precautions, causes to be conveyed any long, large, keen-edged or sharp-pointed article, or who, causing to be conveyed on any carriage a large box, barrel, or basket, does not sufficiently secure such article by chains or ropes, or, who hangs linen or clothes on any rail or fence, or, who exposes slaughtered carcasses or any parts thereof, or their skins, outside any shop, or uses machines to "hash" animal food to the annoyance of the residents. Like contributions will be exacted from the person who "drives" a hoop, a ladder, or a tray upon the causeway; or, who hangs any clothes outside a window fronting the street, or shakes carpets or mats from it, or who throws a snowball in the street; or, who shakes a rug or mat after nine o'clock in the morning; or, who *permits any* female to stand outside on the sill of

any window above the basement; and from any baker who carries a basket on the foot pavement. A penalty of £2 in both cases awaits the person who hangs from the back of any cart or carriage, or who, "without proper precautions," places dynamite *(absit omen)* in the street. A similar fine will be inflicted on any one who leaves his saddle-horse in the street in charge of a boy under fourteen. The police may stop any person carrying furniture between eight in the evening and six in the morning.

If the Bill should fulfil the anticipations of the promoters, the convenience of the travelling public will be considerably promoted, and the mortality from street accidents in all Scotch towns containing more than 2,000 people, will be reduced to a minimum. The municipality will inflict a fine of £5 upon any driver whose omnibus is in a "state *of disrepair,*" or whose horses are not "in good

condition" or "sufficiently trained," and it will fix the time at which his omnibus shall start. Shelters for carters and cabmen will be erected, and their behaviour when using them will be regulated. In the street, their line of conduct will be accurately defined and insisted upon with the aid of appropriate penalties. For instance, a fine of £2 will have to be paid by any person "having the care of any cart or carriage who does not provide and use bridles and reins with proper bits, sufficient to enable him to regulate the speed of the horse or other animal drawing the same, or, who not using bridle or reins does not walk on the causeway *(sic)* close to the side of the animal drawing such cart or carriage, (or to the side of the first of such animals, if there be more than one); or who rides on the shafts thereof, or otherwise than on the forepart of such cart or carriage, and in such a position as *readily to see* immediately before and on either

side thereof;" by any person, who at the same time drives more than two carriages, or who has not the halter of the horse in the last carriage securely fastened to the back of the first carriage, or has such halter of a greater length from such fastening to the horses' head than four feet; and by any person who while in charge of a cart, does not draw his vehicle in to the near or left side of the road when required by any person in charge of a cab "or other such vehicle used for swift traffic, so as to allow the swift vehicle to pass the slow vehicle on the near half of the street."

But the parental supervision of Scotch "bailies" will not be confined to any particular classes of activity. The provisions of the Bill are formed to meet the requirements of every conceivable department of life. The comprehensive range of municipal *vigilance may* be guaged by the following list of

some of its self-imposed duties. Each municipality will authorise "suitable moveable stands" for shoeblacks, and will regulate their conduct. "In order to encourage good and trusty chimney sweepers, golf cadies, newspaper boys, and hucksters," the municipality will give a license to each person of whose "qualifications" it is satisfied; and will "grant" him "a badge of office for which a small sum shall be eligible," to be held as long as his behaviour is "good." It will also regulate his conduct by bye-laws, and the amount he is to charge his customers. If anyone carries a dead horse in an open cart, or without being "sufficiently covered" he will have to pay £10, *and £2 a day as long as the offence shall continue.* If a person wilfully breaks the ice on any skating pond open to the public, he will have to pay £2. The authorities will regulate the hiring of "donkeys for pleasure *riding*" *on the* sands; and if a person erects

a stall for the sale of wares of any kind there without their leave, he will have to pay them £2. They will provide "suitable" public baths, wash-houses, and drying grounds, and will make "reasonable" charges for their use. They will "control" old clothes dealers, and will "regulate and prohibit" children under ten from selling newspapers and matches in the streets. The municipality will "regulate and preserve" public "gymnasiums;" "it will fix the times of lighting and extinguishing lights" in common stairs or private courts; and it will dictate the hours for beating carpets, rugs, and mats, and for driving cattle. If anyone disputes the authority of the municipality to regulate any of these details, he will have to pay £2. A fine of £5 will be exacted from any tobacconist who opens his shop before five in the morning, or who keeps it open after *twelve at night.* The draughtsman of the Bill has

not omitted to provide that "drift logs of wood are to be secured by the owners," nor to clothe town-councillors and aldermen with authority to "prescribe the situations" of pigstyes.

With the sound of the last word in his ears, the reader may be left to ponder over the greatness and the littleness of the local government of the future.

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